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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/459,967	12/13/1999	HISASHI TACHIBANA	450100-02223	1861

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EXAMINER

DO, NHAT Q

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/459,967

Applicant(s)

TACHIBANA, HISASHI

Examiner

Nhat Do

ND

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,434,146 to Movshovich et al.

Regarding to claim 1, Movshovich et al disclose a data processing circuit comprising:

The front-end interface 104 receives plurality-of-channels input (Fig. 1);

The selection circuit in figure 5 having:

The channel identification data extracting circuit 354 for extracting channel identification data regarding a selected channel in input packet data (fig. 5; col. 8, lines 36-67);

The comparison circuit 372 for comparing the extracted channel identification data with channel specifying data regarding a predetermined selected channel (Fig. 5; col. 9, lines 18-27);

The packet data validity instruction signal generation circuit 380 for outputting a packet data validity instruction signal indicating whether the packet data is valid or not based on the comparison result (Fig. 5, 6; col. 10, lines 1-47);

The selection circuit selects different channels by matching the PIDs (Col. 7, line 31-col.8, line 10).

Regarding to claim 2, Movshovich et al disclose the channel identification data extraction circuit 354 receives a timing signal 356 for specifying an input timing of the packet data and extracts the channel identification data based on the input timing (Col. 8, lines 40-67).

Regarding to claim 3, Movshovich et al disclose the transmission circuit transmits insert data (gap signal) when there is no data for transmitting (Col. 13, lines 5-7; lines 47-56). Movshovich et al also disclose the transmission circuit receives data when data validity instruction signal is valid (Col. 10, lines 40-54). Therefore, the examiner understands that the transmission circuit transmits the insert data (gap signal) when data validity instruction signal is invalid (because there is data coming).

Regarding to claim 4, Movshovich et al disclose the insert data (gap signal) is information data regarding the selected channel because the signal indicate the channel has no data to send.

Regarding to claim 5, Movshovich et al disclose the data processing circuit further comprises a memory circuit (PID table) for storing the channel specifying data (Col. 7, lines 63-65).

Regarding to claim 6, Movshovich et al disclose the memory circuit (PID table) is updated by the computer (processor) 216 (Col. 7, lines 65-67; col. 8, lines 39-41), the examiner understands that the computer 216 is used for writing channel specifying data because the examiner interprets "update" by writing new and deleting unused information.

Regarding to claim 7, Movshovich et al disclose a transmission packet data memory circuit 428 for storing packet data to be transmitted to the data transmission path (Fig. 6; col. 12, lines 21-25).

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Wherein the transmission circuit 400 selects the input data and writes it to a transmission packet data memory circuit 428 when the packet data validity instruction signal indicates validity (Fig. 6; col. 10, lines 38-54; col. 12, lines 21-25).

Regarding to claim 9, Movshovich et al disclose using IEEE 1394 standard, which uses serial bus (Col. 12, line 65-col.13, line 5).

Regarding to claim 10, Movshovich et al disclose the device comprises an IEEE 1394 interface (Col. 12, lines 34-49).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Movshovich et al.

Movshovich et al fail to disclose explicitly the transmission circuit transmits data at predetermined intervals. However, Movshovich et al disclose the circuit transmits data at the same fixed rate of input data (Col. 12, lines 45-49; col. 13, lines 23-30). Movshovich et al also disclose the transmission circuit transmits data in fixed length packet (Fig. 7). It would have been obvious to a person having ordinary skill in the art by the time the invention was made to modify the transmission circuit in the system taught by Movshovich et al so that it transmits data at predetermined intervals depending the capacity of the transmitter. A skilled artisan would have been motivated to so in order to keep the circuit transmits data at fixed rate of input data as taught by Movshovich et al

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5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Movshovich et al as applied to claim 1 above, and further in view of U.S. Patent no. 5,894,320 to Vancelette.

Movshovich et al fail to disclose the selection circuit selects two channels simultaneously. Vancelette disclose a processing circuit comprising a set-top terminal 70 (selection circuit) in figure 5 that selects one channel from network X, and another channel from network Y at the same time (Col. 4, lines 28-35; col. Col. 10, line 39-col. 11, line 11). A skilled artisan would have been motivated to modify the selection circuit in Movshovich et al system so that it selects two channels at the same time as the set-top terminal 70 in Vancelette in order to allow the viewers to watch two programs from different provider as taught by Vancelette. Therefore, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to have the selection circuit of Movshovich et al designed for selecting two channels simultaneously.

***Response to Arguments***

6. Applicant's arguments filed on 07/07/03 have been fully considered but they are not persuasive.

Applicant argues on page 6 of the remark that Movshovich et al fail to disclose the selection circuit is operable to select as much as two channels of data from among the plurality of channels. In reply, Movshovich et al disclose the selection circuit selects a desired channel by using PID match unit 304. Movshovich et al also disclose there are 32 entries stored in the PID table (Col. 7, lines 48-65). Therefore, the selection circuit is operable to select any two channels by using any two PIDs among 32 PIDs stored in the PID table.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhat Do whose telephone number is (703) 305-5743. The examiner can normally be reached on 8:30 AM - 5:30 PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhat Do  
Examiner  
Art Unit 2663

ND

September 3, 2003

A handwritten signature in black ink, appearing to read 'Melvin Marcelo', is written above the printed name.

MELVIN MARCELO  
PRIMARY EXAMINER